



Commonwealth of Pennsylvania.<sup>1</sup> The three page Petition consisting of twenty numbered paragraphs is clearly labeled as being a habeas Corpus petition. It sets forth multiple claims challenging the legality of his state court prosecution. Petitioner subsequently filed a number of supplements and amendments to his action. See Docs, 4-8, 10. Service of the Petition has not yet been ordered.

On December 1, 2014, Christian filed a second § 2241 action with this Court. Therein, Petitioner again names the Commonwealth of Pennsylvania as Respondent. This filing also consists of twenty numbered paragraphs and appears to be identical in all respects to the Petitioner's initial filing.

Presently pending is Petitioner's motion requesting that the cases be consolidated.<sup>2</sup> See Doc. 11 in Civil No. 3:CV-14-2213.

#### Discussion

Rule 42(a) of the Federal Rules of Civil Procedure states:

(a) **Consolidation.** If actions before the court

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<sup>1</sup> The only properly named Respondent in a federal habeas corpus action is Petitioner's custodial official, in this case, the SCI-Rockview Superintendent. See 28 U.S.C. § 2242.


<sup>2</sup> Accompanying the consolidation motion is what appears to be a proposed amended petition.

involve a common question of law or fact, the court may:

- (1) join for hearing or trial any or all matters at issue;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary costs or delay.

Fed. R. Civ. P. 42(a).

It is apparent that it was Christian's intention to only initiate a single habeas corpus action with this Court. Consequently, since the above described actions contain common factors of law and fact, this Court will order the consolidation of Christian's latest petition into his prior pending action pursuant to Rule 42(a) and will proceed with the consolidated matter under Petitioner's initially filed action, Civil Action No. 3:CV-14-2213. An appropriate Order will enter.

  
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RICHARD P. CONABOY  
United States District Judge

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DATED: DECEMBER 16, 2014

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

JULIO CHRISTIAN,

Petitioner

V.

COMMONWEALTH OF PENNSYLVANIA,

Respondent

.....

JULIO CHRISTIAN,

Petitioner

V.

COMMONWEALTH OF PENNSYLVANIA,

Respondent

## ORDER

AND NOW, THIS 16<sup>th</sup> DAY OF DECEMBER, 2014, in accordance  
with the accompanying Memorandum, IT IS HEREBY ORDERED THAT:

1. Petitioner's motion (Doc. 11 in Civil No. 3:CV-14-22130) requesting that the above captioned cases be consolidated is **GRANTED**.
2. The Clerk of Court is directed to

**CONSOLIDATE** Christian v. Commonwealth, Civil No. 3:CV-14-2272 into Christian v. Commonwealth, Civil No. 3:CV-14-2213, pursuant to Federal Rule of Civil Procedure 42(a).

3. The Clerk of Court is directed to **CLOSE** the case of Christian v. Commonwealth, Civil No. 3:CV-14-2272.
4. The Administrative Order entered on December 3, 2014 (Doc. 3) in Christian v. Commonwealth, Civil No. 3:CV-14-2272 is **VACATED**.

S/Richard P. Conaboy  
RICHARD P. CONABOY  
United States District Judge